

Lessons from the States: How a Country is Correcting their Corrections

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Who We Are



U.S. JUSTICE
ACTION NETWORK

The Impetus to Act

- Crime and public safety
- Fiscal concerns
- Moral drivers

An Evidence-Based Approach



Evidence-Based Corrections Does NOT Mean:

- Merely reducing prison sentences
- Ending the use of prison
- Ignoring accountability
 - Surveys of offenders indicative “intensive and lengthy community-based punishments” are considered far more tough than shorter prison terms

The Purpose of Prison

- Incapacitation
- Retribution, punishment, deterrence
- Risk reduction, rehabilitation

Does Prison Provide Risk Reduction?

- Custodial sentences do not reduce recidivism more than noncustodial sanctions
- Imprisonment is likely “crime generating”
- Low-risk offenders are most likely to experience the increase in recidivism

A Continuum of Options

Vocational education in prison	-9.8%	Drug courts	-8.7%
Intensive supervision with treatment oriented programs	-17.9%	Noncustodial drug treatment	-8.3%
General education in prison	-8.3%	Employment and job training in the community	-4.6%
Cognitive behavioral therapy	-6.9%	Domestic violence education	0%
Correctional industries	-6.4%	Restorative justice programs for low-risk offenders	0%
Custodial drug treatment	-6.4%		

How to Change Behavior

- Assess risk and needs: “who” and “what”
- Motivate and incentivize
- Target four to six criminogenic needs
 - I.e.: social skills, thinking errors, vocational training, misuse of leisure time, drug and alcohol abuse, lack of self control
- Fidelity and training
 - “Programs that scored highest on program integrity measures reduced recidivism by 22 percent; programs with low integrity actually increased recidivism”
- Clear rules, consistent consequences
- Measure results; use measurements

*Sources: Latessa &
Lowenkamp, (2006); Taxman*

Three State Examples

- Utah
- Mississippi
- Maryland

- Gradation
- Accountability
- Incentives

Utah's House Bill 348

- Made significant changes to criminal code
 - Reclassified over 150 offenses from Class C misdemeanors to “infractions.”
 - Reclassified some Class B misdemeanors to Class C misdemeanors
- Reclassified drug possession from a third degree felony to a Class A misdemeanor
 - First two convictions only; third conviction is a felony

Utah's House Bill 348

- Focused the drug free school zone sentencing enhancement
 - Applied from 6a to 10p only; reduced the span from 1000 feet to 100 feet
- Modified criminal history scoring to prevent double counting

Utah's House Bill 348

- Required case action plans for each offender to be completed
- Created swift and sure sanctions for technical violations (three consecutive days; five total days over 30 days)
- Enhanced programming

Utah's House Bill 348

- Created earned time for probation and parole
- Created earned time in prison for non-life inmates who complete programming
 - Not less than four months; priority given to highest-ranked program in case plan
 - May be forfeited upon violations

Mississippi's House Bill 585

- Created thresholds for larceny (\$1,000/\$5,000/\$25,000) and other property crimes (malicious mischief, forgery, embezzlement, shoplifting, computer fraud)
- Created thresholds for controlled substances: < 2 grams, 8 years; 2-10 grams, 3-20 years; 10-30 grams, 5-30 years
- Defined trafficking as more than 30 grams or 40 dosage units of Schedule I/II; 500g/2500 DU of Schedule III/IV/V
- Defined aggravated trafficking as trafficking in more than 200g
- Permitted the courts to depart from these ranges
- Focused criminal history (as to eligibility for alternatives)

Mississippi's House Bill 585

- Provided clear sanctions for technical violations:
 - Department may impose: no more than two days, two times per month
 - Court/parole board may impose: 90 days for the first, 120 for the second, 180 for the third

Mississippi's House Bill 585

- Provided parole eligibility after serving one-quarter of the sentence if:
 - Nonviolent, non-sex, non-habitual offender, parole is not prohibited, the offense is not trafficking
- Provided parole without a hearing if:
 - Completed case plan, victim didn't request hearing, no major violations in last six months, agreed to terms of release/supervision, inmate has a discharge plan
 - (Law enforcement may also request hearing)
- Created earned-discharge credits for those on community supervision
- Created earned time for prisoners
 - Meritorious time for completing programming (at DOC commissioner's discretion)
 - Earned time releases trigger mandatory supervision

Maryland's Senate Bill 1005

- Created different penalties for 1st/2nd/3rd offenses for drug possession
 - Previously: a misdemeanor, but 4 year penalty; now, first offense, one year; second, 18 months; third, two years)
- Updated mandatory minimums (now maximums; provided an avenue for resentencing)
- Narrowed enhancements on subsequent convictions for drug crimes (criminal history must include a crime of violence)
- Increased thresholds for felony theft/other property crimes to \$1500
- Reduced a handful of traffic offenses from misdemeanors to fine-only offenses

Maryland's Senate Bill 1005

- Required case plans
- Created graduated sanctions for probation/parole violations
- Limited incarceration for technical violations to 15/30/45 days

Maryland's Senate Bill 1005

- Authorized parole without a hearing for certain inmates/offenses who complete a case plan, have no major violations, victim did not request a hearing
- Created both earned time and good time for work/programming
- Created earned time on probation for nonviolent probationers
- Created the option for an administrative caseload

Common Themes

- Gradation: differentiating between levels of offenses; differentiating within offenses
- Accountability: case plans, programming, sanctions
- Incentives: earning time for complying/performing/completing

Checklist

- Is the sentence determined by one factor or the whole picture?
- Are different levels of harm treated differently?
- Will individual accountability result from the sentence?
- Are sanctions and incentives appropriately balanced?
- Are the costs and benefits acceptable for Kentucky?

Thank you!

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